

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CAROLYN SANGERVASI,)	
)	
Plaintiff(s),)	No. C10-4810 BZ
)	
v.)	
)	
TARGET CORPORATION, et al.,)	ORDER GRANTING PLAINTIFF'S
)	MOTION TO REMAND
)	
Defendant(s).)	
_____)	

Construing removal jurisdiction strictly, I find that defendants have failed to establish that Amy Dabner was named as a "sham defendant." I find that plaintiff can amend her complaint to state a cause of action against Ms. Dabner under the settled law of California. See for example Roby v. McKesson Corp., 47 Cal.4th, 686, 709 (2009); Niami v. Federal Express Print Services, Inc., 2010 WL 958045 (N.D.Ca 2010).

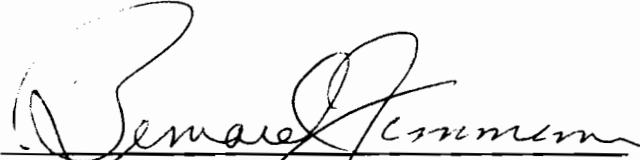
IT IS THEREFORE ORDERED that plaintiff's motion for remand is **GRANTED**. The Clerk shall transfer the file to the Marin County Superior Court. The Court no longer having

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jurisdiction, defendant's motion to dismiss is **TAKEN OFF**
CALENDAR.

Dated: February 9, 2011


Bernard Zimmerman
United States Magistrate Judge

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REMAND.wpd